

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

3 BRIAN STRETCH (CSBN 163973)
4 Chief, Criminal Division

5 DENISE MARIE BARTON (MABN 634052)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
9 Telephone: (415) 436-7359
10 Facsimile: (415) 436-7234
11 denise.barton@usdoj.gov

12 Attorneys for Plaintiff

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES OF AMERICA,)	CR No. 07-668 PJH
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
v.)	EXCLUDING TIME
MELVIN PARKER,)	
Defendant.)	

On October November 7, 2007, the parties in this case appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from November 7, 2007 through December 12, 2007. The parties represented that granting the continuance was

//
//
//

1 necessary for effective preparation of counsel, taking into account the exercise of due diligence.

2 See 18 U.S.C. § 3161(h)(8)(B)(iv).

3

4 SO STIPULATED:

5

6 JOSEPH P. RUSSONIELLO
7 United States Attorney

8 DATED: January 16, 2008

9 /s/ Denise Barton
10 DENISE MARIE BARTON
11 Assistant United States Attorney

12 DATED: January 16, 2008

13 /s/
14 STEVEN G. KALAR
15 Attorney for MELVIN PARKER

16 As the Court found on November 7, 2007, and for the reasons stated above, the Court
17 finds that the ends of justice served by the continuance outweigh the best interests of the public
18 and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act
19 calculations from November 7, 2007 through December 12, 2007 for effective preparation of
20 counsel. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would
21 deny counsel reasonable time necessary for effective preparation, taking into account the
22 exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C.
23 §3161(h)(8)(B)(iv).

24 SO ORDERED.

25

26 DATED: _____

27 HON. PHYLLIS J. HAMILTON
28 United States District Court Judge